

REMARKS

Claims 14-33 are pending in the application.

Claims 1-13 have been canceled without prejudice to the filing of one or more divisional applications. Claims 14-18 have been amended to correct grammatical errors and to provide further clarify to the claim language. New claims 19-33 have been added which are also directed to the composite panels described in the application. Support for these new claims may be found throughout the specification, including at page 5, paragraph 22 to page 7, paragraph 24. No new matter has been added by any of the above amendments.

Before responding specifically to the restriction requirement issued by the Examiner as set forth below, the undersigned has attached documents submitted to the PTO in September of 2004 in support of the undersigned's ability to act as attorney of record on behalf of the applicants and assignee of the above-referenced application. This application was transferred from Brinks Hofer to Akin Gump Strauss Hauer & Feld in July of last year pursuant to Durakon's direction along with other applications assigned to Durakon Industries, Inc. Akin Gump has prepared and filed appropriate, executed Revocation and Appointment of Attorney forms in pending applications of Durakon Industries, Inc. with the PTO. In this application, such a Revocation and Appointment of Attorney by Assignee was prepared and filed on August 24, 2004. Acceptance of the Revocation and Appointment of Attorney was declined by the PTO in accordance with a Notice dated May 16, 2004.

The undersigned contacted the PTO representative that issued the notice (Eric Dantzler of 3600 – telephone: (703) 308-3757) and inquired as to the basis for non-acceptance. Mr. Dantzler informed the undersigned that the basis for non-acceptance was that the PTO Assignment Branch did not list Durakon Industries, Inc. as the assignee of record. During that conversation, it was explained to Mr. Dantzler that the prior law firm handling the application had made an error in submitting the Assignment for recordation by failing to list the property number in the recordation form cover sheet. The undersigned had acted timely to correct the improper Assignment by submission to the PTO of a request for re-recordation pursuant to an Assignment Division notice. Mr. Dantzler requested that the undersigned submit proof of ownership of the property by Durakon Industries, Inc., and provide the associated documents submitted to the

PTO for recordation, following which he was to act to accept the Revocation and Appointment of record. All relevant documents were submitted to Mr. Dantzler via a facsimile filing on September 30, 2004 (a copy of which is attached for the Examiner's information).

The undersigned monitored PAIR and left a message for Mr. Dantzler on November 18, 2004 when the application was still not attached to Akin Gump's customer number. Mr. Dantzler did not return the call and the undersigned waited for him to act on the matter accordingly.

No further activity occurred in the application until Paper No. 20041216 was received by the undersigned from Brinks Hofer on January 12, 2005 after having been sent to that firm's attention. Following this, another message was left by the undersigned with Mr. Dantzler on January 26, 2005 requesting status of the Revocation and Appointment of Attorney. We have still received no response from Mr. Dantzler and the application is still not attached to Akin Gump's customer number on PAIR. The undersigned and the applicants respectfully request that the Examiner accept the Revocation and Appointment of Attorney and also allow entry of this response to Paper No. 20041216 to avoid prejudice to the applicants and Assignee of this property by way of having to incur further, unnecessary extension fees and by being denied access to their counsel of record. Please contact the undersigned if the Examiner cannot take such action and/or will not accept this Amendment and Response to Restriction Requirement of record.

In Paper No. 20041216, the Examiner issued a written restriction requirement between claims between the claims of Group I (claims 1-13) which are drawn to a method of manufacturing a composite panel, allegedly classified in Class 156, and the claims of Group II (claims 14-18) which are drawn to a composite panel, allegedly classified in Class 296. The Examiner takes the position that the inventions of Groups I and II are distinct, and that the invention of Group I is related to the invention of Group II as a process of making and a product made. Specifically, the Examiner states that the process can be used to make a materially different product which does not include a U-shaped channel.

The applicants do not necessarily agree with the Examiner's arguments in support of restriction, and believe that the Examiner would not be inconvenienced in searching both Groups of claims since searching for the process would likely involve searching for similar products within the search scope. However, in an effort to expedite prosecution of the application on the

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merits, applicants hereby elect in response to the written restriction requirement, without traverse, the claims of Group II drawn to a composite panel (claims 14-18 and new claims 19-33) for examination on the merits.

The Examiner is respectfully requested to contact the undersigned on any questions which might arise at the telephone number indicated below. Reconsideration and an early examination of the claims are respectfully requested.

Respectfully submitted,

JOHN C. MONTAGNA ET AL.

(Date)

2/23/05

By:

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Enclosures [copy of Response to Notice Regarding Power of Attorney as filed by facsimile on September 30, 2004]